

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, APRIL 13, 2015

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, April 13, 2015 at 7:00pm. The opening prayer by Councilman Cerreta.

2. Opening Prayer – Councilman Cerreta.

3. Pledge of Allegiance

4. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith, Kiesling, Peters and Werren. Thus having 7 in attendance.

5. Consideration

COUNCIL PRESIDENT PETERS: Thank you very much. May I have a motion and a second to approve as presented:

Committee of the Whole Minutes: March 23, 2015, April 6, 2015
Council Meeting Minutes: March 23, 2015
Special Council Meeting Minutes: March 25, 2015, April 6, 2015
Finance Statement – February and March 2015 Month-End Reports

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes, 1 abstain to approve the above reports. Foltz voted to abstain.

COUNCIL PRESIDENT PETERS: Thank you. At this time if you wish to address to council please step forward state your name and address.

6. Recognition of Visitors

MIRIAM BAUGHMAN: 320 Webber Ave NE, North Canton. Okay, I have a handout as always. The first thing that I would like to talk about is zoning. On page 1 of the zoning handout there's a definition of the zoning ordinance and you'll see the last part of the definition says that a zoning ordinance granting variances and hearing appeals. Page 2, I did a survey I called six cities including our three sister cities every city I called has a zoning code that has an appeals process. And in all but one city the appeals are heard by the Zoning Board of Appeals. When I called the City of Wadsworth I talked to Jeff Keiser in zoning and he said to me when I told him what I wanted he said "lady, I can save you a lot of time and money and tell you that I have never seen a zoning ordinance without an appeals process". So I know that you're going to delete the appeals process out of the zoning code I'm asking if you'll would please re-word it and replace it so that the residents do have an appeal process. The second thing I want to talk about is public records in 2000 the first page in 2007 House Bill 9 amended the Ohio Public Records Law by requiring and I have it underlined that public offices are required to adopt their own public records policy. And if you'll turn to page 2 Ordinance 139.07 passed in January of 2008 was an ordinance that our city did establish a public record policy. Then page 3, an ordinance passed 87.09 in October of 2009 incorporated the public records policy into the City of North Canton personnel handbook. And I thank you for not passing the legislation last week on an emergency without giving the public a chance to talk. Because comparing our current public records policy with the new proposed one I did find it concerned. I wanted to mention too that there's been no new legislation passed by Ohio Legislature on the public records policy. We have had our policy for 8 years so it has been checked by the auditor during the yearly review 8 times and there's been no problems. What I saw when I did my comparison that there was three changes one change was that the law director will now be in charge and everything will be given to him and he will review it. The second change was that there will be one central point where they will be given out. And the third change is the change that concerns me if you'll look at page 4, page 4 is a page out of the 2007 public records policy that we've had for 8 years and it does have a grievance policy to tell residents what to do if they disagree that they weren't able to get their public records. In the new proposed public records policy the grievance policy is not in it that has been deleted. Page 5 is the actual public records law ORC 149.43 and I have a star with what it says in the public records law which what our current policy the grievance policy mirrors that. Page 6, is the Ohio Public Records Act that's known as the yellow book it's the sunshine manual that they update with things and this was just put out in 2015 in March. You will see in the Public Records Act it also speaks where the star is that a person aggrieved you know there's a grievance policy. So I'm asking you not to pass the legislation tonight which is the second reading on an emergency

there's really no reason for an emergency because we have our law it's been in effect for 8 years and its okay. I'm asking you if you will you know vote on it tonight and then have a third reading the next time and put the grievance policy back in it. Because we've had it for 8 years its part of the law and our residents deserve to be informed that there is such a thing they can do. Thank you.

COUNCIL PRESIDENT PETERS: Miriam, before you sit down I have a quick question. I'm looking at page 6 where you have it starred an overview of the Ohio Public Records Act and it says "a person...

MIRIAM BAUGHMAN: Which page are we on?

COUNCIL PRESIDENT PETERS: Page 6.

COUNCILMAN FONTE: Is that the last page?

COUNCIL PRESIDENT PETERS: Yes, that is correct. You have it starred. "A person aggrieved by the alleged failure of a public office to comply with an obligation of the Public Records Act may file a mandamus lawsuit against the public office".

MIRIAM BAUGHMAN: Correct.

COUNCIL PRESIDENT PETERS: Can't they still do that with this policy? I mean it doesn't have to state it in the policy for you to have that right, correct?

MIRIAM BAUGHMAN: Our policy has no power. Our public records policy is informative only it's to inform the employees what they should do and it's to inform the citizens what it's all about and what they're rights are.

COUNCIL PRESIDENT PETERS: But as the new policy reads regardless of what it says this is still a right that's afforded every citizen in the State of Ohio. No matter what we have in the new policy this can't be trampled. Correct?

MIRIAM BAUGHMAN: My question is why don't we informed the citizens that they have this right?

COUNCIL PRESIDENT PETERS: Okay.

MIRIAM BAUGHMAN: Because on the poster that's hanging outside of each department it says that the City of North Canton's policy is available to be read. So if somebody wants...says okay I want to read the policy to see what's going on then they read in our policy our current policy that they do have a grievance procedure. Not everybody has a computer. You know.

COUNCILMAN CERRETA: So you're saying that it should say after the changes that we need to follow the Ohio basically then say follow the Ohio...

MIRIAM BAUGHMAN: I say don't take it out its been in our policy for 8 years. Keep it in.

COUNCILWOMAN WERREN: So just leave what's there? Section "E"?

MIRIAM BAUGHMAN: Well the, well there was two other changes to make the law director in charge which that's okay.

COUNCILWOMAN WERREN: Right, but you want the grievance in.

COUNCIL PRESIDENT PETERS: So basically what you're saying is if someone comes in off the street and looks at the public records policy as posted on the wall this is more of an informative to let them know after everything that we...

MIRIAM BAUGHMAN: Well the poster is just very...

COUNCIL PRESIDENT PETERS: Well, you know what I'm saying once they look at it they go to the bottom and they say look if I feel that I haven't been given you know the proper the procedure I haven't been given it this is an option that I have and it's your opinion that this should be put in there for informational purposes.

MIRIAM BAUGHMAN: Yes, and it's been in our policy for 8 years. And it's the law.

COUNCIL PRESIDENT PETERS: Okay.

MIRIAM BAUGHMAN: Now, I will tell you this the model policy that's given out for public entities to follow does not have it. Okay, does not have the grievance...

LAW DIRECTOR FOX: So the Attorney General's office doesn't recommend that you have that there correct?

MIRIAM BAUGHMAN: But what?

LAW DIRECTOR FOX: The Attorney General's office that writes the model policy does not have that just what you said?

MIRIAM BAUGHMAN: No, no, but I know that.

LAW DIRECTOR FOX: Have you contacted them and asked them why?

MIRIAM BAUGHMAN: That's but, but here's my point we've had it in our policy for 8 years...

LAW DIRECTOR FOX: Right...

MIRIAM BAUGHMAN: North Canton, North Canton always goes above and beyond for our people. And by putting the grievance policy or putting that grievance paragraph in the policy that the residents perhaps will come and read that's giving them a little bit extra. That's going above and beyond to let them know if you don't like this why leave it out.

LAW DIRECTOR FOX: What we could do is simply make a copy of the Public Records Act and give them a copy of that as well right? That would be the entire thing, but the model policy Ms. Baughman is supposed to be a summary. And the Attorney General's office has issued the recommendation for these very things to be in the model policy. The State Auditor's office has submitted these recommendations that you must have in your policy or you anticipate that you'll get a finding for not having it in the policy.

MIRIAM BAUGHMAN: No, I disagree. I disagree.

COUNCILMAN GRIFFITH: But you would agree you would agree that that's a minimum standard that if we were more thorough particularly if you had a complex situation.

LAW DIRECTOR FOX: Well you could you could put it's not that long the Public Records Act is not that long you could simply put that up its supposed to be a summary.

COUNCILMAN GRIFFITH: Right, but if we had a situation where for example the City of Cleveland no doubt has a very complex public records policy because they've got mirrored departments and different people who do things and how does this work and I mean at least I hope they do. They should if they don't. And probably I would assume the auditor having sat through an audit myself as you have would agree that that's prudent for them to have a minimum internal standard that's higher than that the standard that would be adopted by Osnaburg Township for example.

LAW DIRECTOR FOX: It's not a standard it's simply the summary of the policy so anyone looking at it very briefly will see. You may put the entire act it just depends on what you want in there.

COUNCILMAN GRIFFITH: That's true but my point is this we the act doesn't require that we create internal rules that funnel that identify individuals who are going to be handling particular responsibilities. If we decide that it's prudent as a group to funnel records requests through particular individuals because we want to make sure that we're covering our tails. That records when requests are made that they're met and that they're done and we're not passing any information that we shouldn't. I mean that makes sense obviously and I think that it's good that's part of the policy. But that's not required but the AG hasn't told us that we must identify those people would you agree that that's the case?

LAW DIRECTOR FOX: That's correct and that's for the one for the efficiency and other issue is actually for the protection of the employees and for the residents...

COUNCILMAN GRIFFITH: I agree and I'm glad that's in there. Absolutely.

LAW DIRECTOR FOX: Because any given employee is not going to necessarily know what is and isn't a public record and what is a timely response.

COUNCILMAN GRIFFITH: And so as to be helpful we provided them additional and clarifying information beyond what the statute requires. And I think that was a very wise and good move and I guess the same issue would be so then I mean what's the harm in providing additional information relative to the grievance process...

COUNCILMAN FONTE: Is there any negative to I mean to me like having it funnel to one person so there's consistency and accuracy to what's getting done and then leaving the grievance factor in there is there any negative to leaving it in there?

COUNCIL PRESIDENT PETERS: No, it just adds it adds more Tim was saying you know what we have is a summary and I don't see a problem with putting that in there as informational.

MIRIAM BAUGHMAN: It's been in there for 8 years.

COUNCIL PRESIDENT PETERS: Yeah.

LAW DIRECTOR FOX: Yeah, yeah, she says it's been in there for 8 years...

COUNCIL PRESIDENT PETERS: Hold on, hold on, and I also agree with Miriam when she says at the end you know it's what North Canton is we go over and above. We do things a little bit better and I think putting something like this...

COUNCILMAN FONTE: Yeah, I don't see a problem I mean I feel it's not it's a wise thing I mean it's better to be overkill than under kill I think. And I think the main thing is I would out of this whole thing I got is that it's important for the law director to make sure it done in a legal proper way because that's what your job is. But as far as leaving the grievance factor in if that makes the consumers feel more protected or more knowledgeable why not do it if it's not going to hurt anything. So that's just the feeling I have about it I don't know what you guys think.

COUNCIL PRESIDENT PETERS: Especially for folks that don't do that very often. I mean we've got a few members up here that you know are well versed and know their rights that it doesn't need to be on there. But for the folks that don't you know...

COUNCILMAN CERRETA: Right, just as Mrs. Gilmore coming off the road because she needs to know if should be that simple. And if it's if it's friendly I'm fine with that too. You know we can't read some of the things we say or we read the noble words again and everything we need to make it very easy for them. And if it requires just a few words to handle grievance I'm with that.

MIRIAM BAUGHMAN: I'd like to read the sentence that's out of the actual house bill...

COUNCILMAN FONTE: Which where are we at?

MIRIAM BAUGHMAN: The first page of the public records where I have it underlined I just didn't underline it all. It says the "the public offices in turn are required to adopt their own public records policy which may or may not be based on the AG's policy". So you don't have to use the AG's policy.

COUNCILMAN FONTE: It's right here on...

COUNCIL PRESIDENT PETERS: Well page 1...

MIRIAM BAUGHMAN: Page 1, where I have it underlined if you read the few words after what I underlined it says "which may or may not be based on the AG's policy" so you don't have to it was just a guidance it's a model to use if you want to.

COUNCIL PRESIDENT PETERS: You should continue your line.

LAW DIRECTOR FOX: That's correct and it's the guidance that that office and there's actually a statute there's a state statute that requires the Attorney General's office to draft a model policy for municipalities to use as a model...

MIRIAM BAUGHMAN: Which may or may not be used...

LAW DIRECTOR FOX: This is the recommendation and what was included is those things that came from the State Auditor's office that also said you should have these in your policy and if you do not and we inspect the municipality and you don't include these except to have a finding that you're deficient.

COUNCILMAN FONTE: Would we be okay with agreeing to this?

LAW DIRECTOR FOX: You can add everything that you want that's what I said.

COUNCILMAN CERRETA: Yeah, let's do that put in what you need to put in...

LAW DIRECTOR FOX: Why don't you add the Public Records Act to it?

MIRIAM BAUGHMAN: No, you just need to put one paragraph. We only need one paragraph.

COUNCILMAN FONTE: So if we have a summary and just add the grievance part in there.

MIRIAM BAUGHMAN: It's already been there Dominic for 8 years.

COUNCILMAN FONTE: So we're not really changing we're just making it where Tim is...

MIRIAM BAUGHMAN: Took it out, put it back in.

COUNCILMAN FONTE: Yeah, that he can which I think is fine.

LAW DIRECTOR FOX: Well didn't take it out I put in the Attorney General's policy.

MIRIAM BAUGHMAN: You took out the grievance policy.

LAW DIRECTOR FOX: No, no, the Attorney General's policy does not have it in there.

COUNCILWOMAN WERREN: You just replaced it.

LAW DIRECTOR FOX: Yes.

MIRIAM BAUGHMAN: But the Attorney...

LAW DIRECTOR FOX: It's not hiding anything...

MIRIAM BAUGHMAN: But the law says you don't have to use the Attorney General's policy.

LAW DIRECTOR FOX: Right, you don't have to use it but you have to have a policy if it puts it out there to recommend "use this policy" and you don't.

COUNCILWOMAN WERREN: But I think we could use it and then add...

LAW DIRECTOR FOX: Sure, you could add all kinds of things to it if you wish...

COUNCILMAN FONTE: And I think I think that's it makes sense that you know we tidied it up a little bit.

MIRIAM BAUGHMAN: Let me tell you this has been in our policy for 8 years. Every year the auditor comes in and looks at the policy that's part of their job for 8 years nobody has had a problem with the grievance paragraph being in the policy.

COUNCIL PRESIDENT PETERS: Alright, so I'm getting the feeling from council that you guys are amendable to...

COUNCILMAN CERRETA: Yeah, Tim is covering our hinnies with what needs to be in and let's make it user-friendly by adding that in there whether it needs to be information, instructions how to go from there. I'm good with that.

MIRIAM BAUGHMAN: It's just something good we're doing for our residents.

COUNCILMAN FONTE: Yeah, I agree with that.

COUNCILMAN CERRETA: Tim, are you alright with that?

LAW DIRECTOR FOX: Whatever you'd like to have in there as I said you're going to get you're going to get more trust me you're going to get more.

COUNCILMAN CERRETA: Well you're the one that's covering us.

COUNCILMAN FONTE: It's I feel like we're getting a two for you know we're going to get more I love it.

LAW DIRECTOR FOX: Because you're dragging it along I'm telling you you're out of compliance now. And you're going to drag it along some more.

COUNCILMAN CERRETA: Alright, but we need to get it into compliance there's no doubt about it that should be number one. If this is getting us out of compliance we need to know that we don't need to hear you know...

COUNCILMAN FONTE: Yeah, we want to know if this is a detrimental issue.

LAW DIRECTOR FOX: You can add that, sure. Is there anything else that you'd like to add?

COUNCILMAN FONTE: No, this is I mean this good. I'm good with that little piece right there.

COUNCIL PRESIDENT PETERS: You're good with that Dom?

COUNCILMAN FONTE: I am.

COUNCIL PRESIDENT PETERS: Okay.

COUNCILMAN FONTE: Just that little piece.

COUNCIL PRESIDENT PETERS: I'm glad you're with me. Okay. Thank you.

COUNCILMAN FONTE: And I'm also good with Tim monitoring the process so it's done right. Because I think you're very accurate and good.

LAW DIRECTOR FOX: The point is bringing it through the law director is because the everyday employee in the city does not have the requirement to maintain the currentness and accuracy in providing public records. That's the step of going above and beyond is to move quickly and to let those offices know when they say "well I've got these other things and I'm going to put this off and I'll get to it later" when its funneled through the law director says "well you know actually let's take another look at that and see if you can reprioritize some of these things to get records to those that request it quickly and timely" so you maintain compliance and that you don't have a grievance from the beginning.

COUNCILMAN FONTE: Fair enough.

COUNCIL PRESIDENT PETERS: Okay, good. Thank you, Miriam. Alright, if anyone else wishing to address council please step forward.

CHUCK OSBORNE: 307 Fairview Street SE, North Canton, Ohio. If I'm not mistaken every custodian of city records here has had public records training. It appears to me that you're basically lumping, lumping them into one category and saying "they don't know to handle the records that they create, the records that they house". Those individual custodians in the various departments in the city are responsible for those records. They also have a responsibility to provide those records on request. This is the public's business you're conducting; this business of creating a maze and hurdles and jumps that you have to run through a citizen should be able to come up here and get a record on demand. What I've seen here in the last couple of years is utter confusion throughout this city. None of these custodians of these records know what to do now they're scared for their jobs. I've had records that I've requested from Linda down in engineering they were electronic records she could have released them just like that but what she was doing and her paper records as well. The paper records she would actually create electronically, send to the law director and then I would have to pick them up in the police department or at the administration. This is not how this is supposed to work people. These records should be available immediately. And to sit there and to classify our clerk of council, the people down in engineering, the people in administration, to sit here and say that they don't know how to handle their records, they don't know their responsibilities under the public records laws. They've all been to public records training. I don't know what it is you're trying to create up here. But this is not a citizen friendly town. And we all know we keep fabricating ways to for Chuck Osborne. Just admit it.

LAW DIRECTOR FOX: Mr. Osborne you've received more...

CHUCK OSBORNE: Mr. Fox, I have...

LAW DIRECTOR FOX: Public records than anyone else...

CHUCK OSBORNE: I have the platform here...

LAW DIRECTOR FOX: In the history of the city.

CHUCK OSBORNE: I have the platform Mr. Fox.

LAW DIRECTOR FOX: I know you have the platform but you haven't said anything true from the start.

CHUCK OSBORNE: So if you would please can you gavel Mr. Fox?

LAW DIRECTOR FOX: Continue.

COUNCIL PRESIDENT PETERS: Continue, Chuck.

CHUCK OSBORNE: You're not an elected representative.

LAW DIRECTOR FOX: I'm not I'm appointed.

COUNCIL PRESIDENT PETERS: Mr. Osborne continue please.

CHUCK OSBORNE: They are the ones who represent the public hopefully and they should be filtering whatever they're hearing from you and deciding "is this good for our community, is this good for our citizens"? So I say let the custodian of these records who have a responsibility to provide those records and can find themselves in hot water if they're not releasing these records in a timely fashion to the community. Thank you.

LAW DIRECTOR FOX: I want to comment quickly on Mr. Osborne, the public records policy does not provide that records are available immediately. Public records are available within a reasonable period of time given their circumstances. Public record law changes every single day based upon case law determinations is called common law, judge made laws in making determinations regarding public records. It's in the best interest of the city that one person who has the requirements to maintain the currentness in public records take a quick look at those to make sure that they're provided to someone like Chuck Osborne that might show up. Might ask for a record that doesn't exist. And demand and yell and swear and cause all kind of problems for those employees when the record doesn't exist. The city is liable if an employee makes a mistake in either not providing a complete public record in a timely manner. And as I said you can't expect that all of the records custodians those that take vacations and so forth that receive these types of request that they can't briefly ask one person "can you take a look at this and make this determination if this is indeed a record or if there's anything that by law is required to be redacted". As an example it's not uncommon for someone to go to the finance department and ask for a paystub for an employee. If someone makes a copy of a paystub of an employee and provides that as a public record and say that was a peace officer and they didn't redact the address for that peace officer then the city first is probably going to be involved in a union grievance because that's some of the information that needs to be redacted. And as I said everyday Common Pleas Courts, Courts of Appeals, the Ohio Supreme Court makes decisions on public records. And having one person to filter those things through as I said especially for some that may not believe "well I've got this thing to do this is my core responsibilities" perhaps as he said Linda in the engineering department she may think that "well this is a request for several years of minutes I can do that maybe a little bit later". But if she doesn't respond in a responsible period of time then the city itself is liable for one person's

decisions. The funneling it through is the purpose of simply making sure that the city responds in a timely manner and in a correct way so that it doesn't have to face a public records violation or a lawsuit or a mandamus action to provide those records. Thank you.

COUNCIL PRESIDENT PETERS: Okay, thank you. Jamie? Thank you.

JAMIE MCCLEASTER: 710 Pierce Avenue NW. I hate to belabor the public records discussion so I am going to do my best to keep it under 30 or 45 seconds. On after a quick review of the state's model policy it's interesting that you know there's been a lot of discussion about what is and isn't in the policy and what can and can't be provided in the city's policy. And I'll thank you know Mr. Peters and the rest of you guys for seemingly wanting to err on the side of providing too much information rather than providing too little. It's interesting to note that in the state's model policy there's no provision for one central location within the city or a municipality to provide as a harbor or a distribution point for the records. We have no problem with that but I think it's just safe to note that while there's an argument for "well why would you put in something extra" there is things that are in here extra beyond what the state's policy is. So again thank you guys for erring on the side of putting in too much information. So thank you.

COUNCIL PRESIDENT PETERS: Thank you, Jamie. If anyone else wish please step forward.

GLENN SAYLOR: 340 Reed Avenue NW. Before I start my prepared comments tonight I'd like to comment on a couple of things that have transpired in this council tonight. Number 1, there was a speaker up here who was rudely interrupted by the law director, the president of council did not pound the gavel and make it known that he was out of order. Now there's been often enough when people are out here and you pound the gavel because we're out of order yet you hesitate to it when that man right beside you is out of order. Number 2, this is a council meeting there are seven councilmen here if you go back and look at the minutes right now guess whose made the most speech time amongst all of you. It hasn't been a councilman at all it's been the law director. The law director should be seen and not heard. Unless you guys ask him personally what his opinion is of something or if he asks "may I interject" the mayor doesn't just come out and say "hey, this or that" he asks you. He says "may I make a comment"? And your attitude is disgraceful and I want that on the record. Now my prepared comments for tonight. I come to talk about item 18 on tonight's agenda the governmental electricity aggregation program. Let me be perfectly clear I'm in favor of the aggregation program but not the way it's structured in this ordinance. The city can structure an aggregation program in one of two ways. They can force all of the customers into the aggregation whether the customer wants to be in it or not and those wishing not to be in the aggregation program must then take the necessary steps to opt-out of it. I'll refer to this as the opt-out provision. This is the path the city has chosen to take. The other way the city can set up the aggregation program is to allow customers to make up their own minds if they think that joining the aggregation is in their best interest then they are free to opt to come into the program. No customer is ever forced into the aggregation against his will. I will call this the opt-in option. I believe the opt-in option is the best choice for the residents of the City of North Canton for a number of reasons. Number 1, the natural gas aggregation program run by the city is an opt-in program that has been successfully run for a number of years. And for the aggregate or the electric aggregation program to be an opt-out program is therefore inconsistent and confusing. By making the program a volunteer number 2, by the making the program a voluntary opt-in program the City of North Canton does not have to put the issue on the ballot. Number 3, with the plan the city is proposing everyone would be forced into the aggregation. Everyone that is except for big businesses. Big businesses will instead be allowed to opt-in if they so choose. So the little guy is treated one way and big business treated quite another with the opt-out approach. The opt-in approach on the other hand will give equal footing to all whether their name is Mary Jones or Maple Street Commerce. From a philosophical standpoint government should use the least intrusive method to accomplish a goal. In this case the forming of an electricity aggregation program. The least intrusive method would therefore allow the customer to compare to the aggregate program to other options and if he feels that it is in his advantage to join the aggregate then he can voluntarily do so. However to automatically force our residents into the aggregation and then place the burden on them to get themselves out is quite repulsive. I therefore ask the council to reject Ordinance No. 28 – 2015 and go about the task of drawing up a new ordinance to make the electricity aggregate program a voluntary opt-in program. However if you decide to proceed with this ordinance I ask that the emergency provision be struck from it. The normal three readings and the required two public hearings can all be accomplished prior to August 3rd so that the ordinance can be delivered to the Board of Elections 90 days prior to the general election as required by statute. Thank you.

COUNCILMAN CERRETA: Hey, Glenn stay up there for a second. Let's talk about this opt-in thing. Isn't the gas one an opt-out? Yeah, you've got that a bit backwards I believe unless I'm not misinformed.

GLENN SAYLOR: No, no, if you look if you look at last year you were sent a letter and you had to opt-in.

COUNCILMAN FONTE: You know what happened to me? I wanted to be in the program because it was \$4.19 MCF and I was on IGS. So I thought I didn't have to do anything I would just be in well here I called and they switched me back to IGS. And I said "why did you do that"? They said "well you have to opt- you have to let us know". So that would be they kicked I mean I had to...

GLENN SAYLOR: You have to opt-in. Yes, if you look at your letter...

COUNCILWOMAN KIESLING: Not true, not true, opt-out.

GLENN SAYLOR: If you look at your letter I got my letter from last year and I did not bring it up but it specifically says there

are three ways that you can opt-in. You can either mail in the form, you can call or you can go on the internet. But it's definitely an opt-in program.

COUNCILMAN CERRETA: I know Mike's usually the one he's not here right now that's really in charge of that. Now if I'm not mistaken too and we'll check this the reason that we have this is because we get a better rate than most people do so we're giving our people a better rate so that they don't have to go find it. I believe that's the whole story behind this.

GLENN SAYLOR: That's fine but the difference is whether if you if I don't elect to become part of the aggregate you're forcing me to do something. You're forcing...

COUNCILMAN CERRETA: To get a better rate?

GLENN SAYLOR: No, because you're not necessarily that's being quite arrogant to assume that that...

COUNCILMAN CERRETA: Okay, that's my understanding that's not.

GLENN SAYLOR: That the city's going to get me a better rate. I'm going to go shopping okay, and if I can find a better rate I'm going to go to that better option. And there has been years when the gas I could get a better option myself than to go with this with the city aggregation. It's happened in years before.

COUNCILMAN FOLTZ: But I think the key was we voted on that. Which we would vote on this. I still I still believe if you stayed in and didn't opt-out at any point you're still in. That's my understanding. We can have Mike review that and make sure that you know that we're all looking at the same information.

COUNCILMAN CERRETA: Alright, let's we're going to review on this and see if where it all hangs out. Because I'm never against getting the best rate if we...masses usually get a better rate. That's the idea of the whole thing. If I'm not mistaken. Arrogance or not. And so I think by doing this for our entire city is a service to the entire city and that's why we're up here to help them out anything that we can to get a better service. So but I would like to get I appreciate you coming up and giving us some ideas because we need to check in with Mike about opt-in and opt-out things. I'm assuming that we all go in and if you don't want it if you want to get a better rate because you think you can get a better rate; you opt-out. Once you're out, you're out.

COUNCILMAN FONTE: I had IGS and I didn't get put in I had to call and get it fixed.

GLENN SAYLOR: You had to opt-in to the program. That's exactly what I had to do opt-in to the gas program.

COUNCILMAN CERRETA: Okay, we'll get that checked out. Thanks for bringing to our attention.

COUNCILMAN FONTE: But you know what? I'm thinking, I'm thinking because it's Dominion East Ohio Gas if you're Dominion East Ohio user you automatically rolled into it. But I was IGS so I had to make extra steps to get in. That's what I think happened.

COUNCIL PRESIDENT PETERS: Mayor, do you have any comments on this?

MAYOR HELD: Yeah, as I understand it you know with there's really two sides to this. As Mr. Saylor is saying like for example I was not automatically in it because I wasn't in it in the first place.

COUNCILMAN FONTE: Same here, same here.

MAYOR HELD: So if you're so if you're in it you know I think we've considered this to be an opt-out program. But if you're not in it you have to opt-in. So there's the status of what the account is when you first start. And I think as Mr. Saylor is saying what I understand you saying Mr. Saylor is that what you don't like is the fact that the city is going to dictate what each customer is or each resident is going to get for their rate or if they can opt-out. Correct? And you'd rather say "let's present this opportunity and if you like it then you have to opt-in".

GLENN SAYLOR: Right.

MAYOR HELD: But as Mr. Cerreta had mentioned and we'll clarify this with Mike; I'm pretty confident that, that would affect the rate. You know because obviously when you're buying at a large volume whether its electricity or gas you know the higher the volume of the participation then lower the rate you're going to get. So I think what we have to do is check you know we'll clarify the opt-in opt-out but then I'm pretty confident that if you if it's a completely opt-in program that the rate is not likely to be as favorable.

COUNCILWOMAN KIESLING: Correct.

COUNCILMAN GRIFFITH: But in case in though in any case Glenn what you suggested was government should act in the least intrusive way and I agree with that obviously. But nobody has to participate in the electric aggregation be they large corporation to the smallest taxpayer if they don't want to. I mean this, this statute and no other statute that we would pass

would require anyone to participate at all. And I want to make sure that everybody is clear about that too. But that's what we want.

GLENN SAYLOR: But you're forcing me to do something to get out of the...if I do nothing I'm in the aggregate program. You're forcing me to do something to get out of the aggregate program. So that's a philosophical argument we could go about all night long.

COUNCILMAN GRIFFITH: That fair.

COUNCILMAN FOLTZ: If we approve it, if the voters approve it.

COUNCIL PRESIDENT PETERS: We're glossing over the fact that it's going to the people, the people are going to vote on this.

GLENN SAYLOR: But then you're taking that ability you're making just because the majority of the citizens in North Canton thinks it's a good idea...

COUNCILMAN CERRETA: That's the way taxes are, that's the way everything in our community is.

GLENN SAYLOR: I know but it doesn't have to be that way because you can always have the opt-in program.

COUNCIL PRESIDENT PETERS: I'd love to opt-in on taxes. That sure would be nice but I know, I know, I know where you're going.

COUNCILMAN CERRETA: We'll get this kind of summarized I think you're good that we need to let everyone know what their options are. We have confusion up here I'm sure there are other confusions too.

GLENN SAYLOR: Thank you. Appreciate it.

COUNCIL PRESIDENT PETERS: Thank you. Tim, do you want to comment on that.

LAW DIRECTOR FOX: Right, I have and he's not here to comment on it Administrator Grimes he's at a competing meeting. But I have asked him that very question on other types of aggregation, the gas aggregation and asked him that very question pool the issue of opt-in, opt-out and he said the reason why he's done it that way is because the vast majority of residents that call and have a concern or complaint is because they weren't aware of it and wanted to participate and they were angry that they had to opt-in instead of the other way around. Mr. Saylor makes certainly a very valid comment and concern about it's a requirement that I have to do something to get out but history has shown Mr. Grimes that he'll receive more complaints for those that missed the opportunity to participate because they either missed it in their gas bill or however their electric however that came out they missed that opportunity and they're frustrated that it didn't happen automatically.

COUNCILMAN CERRETA: Now to the point of the emergency...

COUNCIL PRESIDENT PETERS: We have time.

COUNCILMAN CERRETA: We have time there's no deadline he's got to meet or anything. So we'll just...

COUNCILWOMAN KIESLING: Mayor, you have something you want to say?

MAYOR HELD: Yes, what we can also do is we can have the gentleman from the aggregation program come in and answer questions. So that everybody's clear on it and then that way we know what we're heading into. Because you know it's as Mr. Saylor point out you know one of the other challenges is that you have like the county, you have other communities that will also put forward programs like this and then you know depending on what our rate is locked in at us compared to the county's or another political subdivision sometimes there could be a little bit of frustration. Then you know why didn't we lock it in at the same rate as this community or that community. And so there is a little bit of a there's an uncertainty but the whole idea behind it obviously is we're collectively using all of North Canton's...you know if we decide to do it we're just using our, our purchasing power. But what we'll do is we'll have the gentleman from the aggregation program come in and he'll be able to you know identify what the rate difference would be for opt-in and opt-out.

COUNCILMAN FONTE: I think a lot of people when they opt-in or out there's a penalty and...

COUNCILWOMAN KIESLING: No.

COUNCILMAN FONTE: Not for this program but my mother, my mother had a penalty and she got into a big quagmire about it and I had to make the call. So I mean I just want it to be simple and easy whatever it is we do make it simple for the people.

COUNCILMAN CERRETA: So did you get her out of it or did they double the rate?

COUNCILMAN FONTE: No, I got her out of it. She's an older lady this is why class action suits happen because of taken advantage of people.

COUNCILWOMAN KIESLING: And I opted-out in the very first year we went to gas aggregation I got a much better rate for three years and then beyond that I've opted back in and I've opted back out one other year. So it's extremely easy to opt-in and opt-out and there's never been a fee. So I don't believe the fee part's true.

COUNCILMAN FONTE: Not for ours but other aggregations do it.

COUNCILWOMAN KIESLING: Maybe, maybe, but definitely not ours.

COUNCIL PRESIDENT PETERS: Okay, if there's anyone else wishing to address council please step forward and state your name, address. Mr. Covey?

ROD COVEY: 35 Auburn Avenue. When I used to come to all these Planning Commission meetings I didn't have to give my address because Linda sat here and she said "that's okay Rod I know who you are". Anyway I've been to almost 150 meetings over the past 13 years regarding two subjects and you've heard me many, many times talk about it. But there's a couple of them still alive and that's why I'm here tonight to talk about one. And the one I'm going to talk about is one that doesn't even exist. It's called a hole, hole. And I looked in the dictionary and I didn't realize it had so many meanings there. Eight in the Webster's there's eight definitions of the hole. So a few meetings ago I was told that the hole doesn't exist there's no such thing. It's something else it's a retaining wall. I speak of the did I leave that big...I'm going to interject myself about a year ago when this insurance thing came up month four or five. The Repository had done all of these page one articles saying how bad North Canton is and so forth. I recall standing here and saying "well maybe we can get past this now and maybe we can get back to business" and don't give us so many details and so many legal things. But that didn't happen. It seems like it's still that way. But my bottom line on that comment was that our image is hurting I've spent my life in the image business and I know what I'm talking about. Our image is hurting. If you read some of the letters that have been on the websites and so forth and just around town ask if you don't know. And that bothers me it bothers me a lot. Well anyways back to back to the hole. The hole we've been talking about has been there in Auburn Knolls condo community and it's much bigger than this room here. Its 31 feet across and 170...I'm sorry 71 feet across and 130 feet long. But I was told that it's not a hole I mean no it's a retaining wall. So anyway I went to the planning got this show the drawing of this condominium this is what we're talking about that big building down at Easthill or Northfield it's been empty for over its been vacant I'm sorry it's been a hole a cement block foundation in but nothings ever been built on it. It only had one year to be built at 5 ½ years later it still wasn't built. So I've got this drawing and just to be sure and what's at the bottom is said the people who designed this said "it's a foundation" and that's what it is it's a foundation and to be sure I walked down there last night and walked around the neighborhood and it should looked like a foundation to me. I would like this time oh you've already passed those around Dominic? Oh yeah, yeah, thanks. So I guess after 5 ½ years when the Planning Commission and I sat right in that seat right there when this was ordered for the Zablo the builder okay you're approved now go ahead but you have one year to build it or take it out. Well I don't what happened but 5 ½ years later it's still there and there's approximately 400 people who are bothered by this. And they've made that known over the years but they just keep being ignored. So we're asking once again is there some way to, to get an answer to this? The answer would be even so far as this isn't right. Because all it's based on what someone's calling a retaining wall. There is no retaining wall we have several at Auburn Knolls. Retaining wall is something you put dirt up to and if your home was and the streets down here to keep that from sliding down. The retaining wall but that's the guise that's being postponed still again. So in August I visited Mr. our planning guy and he gave me a copy of the paper that shows the that shows on August he told the builder you've got 30 days to do this. So the builder come back and said "okay, I will I'll either build or fill it up or do something". On September 15th nothing happened. Then I think the law director said "well, we're going to take him to mayor's court". I went to mayor's court and came in and sat down again right there. That's my favorite seat. And nothing happened there because Mr. Zablo didn't even show up. I was very disappointed. So the latest thing we the 400 people down there who are hurting from this and I've talked with the people who live in that building and even they are extremely upset. But believe me that's going to come out real soon. They're madder than hell. And the Repository said that the citizens are about what happened here six months ago. So I hope that something can finally happen because right now I'm told that's going to be till June now until something happens. So I just don't understand it it's not fair to the citizens and it's one more notch down the ladder to the image of this city. This city is in trouble with its image, our companies, your person, image is everything. And we're losing it fast. Thank you. This will be a fun one what this is it's a Strongsville landscaper came down and quoted the Planning Commission and the builder and here's going to be for that building I'm talking about here's going to be the landscaping plan and that's probably going to be \$5,000 worth of plants and a fence to separate, protect those four ranch homes on Northfield. And so that was great. Except it never happened. Whatever happened to that? There's too many things dying on the vine and I think you better you put a little water on it and get something going here folks.

COUNCIL PRESIDENT PETERS: Thank you, Mr. Covey.

LAW DIRECTOR FOX: Just too follow-up if I may with the issue with mayor's court. Mr. Zablo did appear, he appeared with counsel he's entered into an agreement although the case is still pending...

(Mr. Covey spoke from the gallery)

ROD COVEY: Sir, we can't hear you back here.

LAW DIRECTOR FOX: Okay, Mr. Zablo did appear at mayor's court...

(Mr. Covey spoke from the gallery)

LAW DIRECTOR FOX: If I may I was there he appeared before the magistrate with his attorney and he's entered into an agreement with the city regarding construction on that parcel. And I've spoken with you a number of times in that regard. And showed you that and I've sent you a letter and I've spoken to you after the meeting at or the hearing before the magistrate at mayor's court. So...

COUNCILMAN GRIFFITH: What's the schedule for...?

COUNCILMAN CERRETA: Yeah, what's the timing of that?

LAW DIRECTOR FOX: He has I believe, Eric, is it June 15th?

ECONOMIC DEVELOPMENT DIRECTOR BOWLES: June 15th.

LAW DIRECTOR FOX: June 15th is he has to complete that portion of the permit. But understand that, that permit is for the foundation. When he completes that permit that portion is done. The concern is well what happens after that?

COUNCILWOMAN KIESLING: Right.

LAW DIRECTOR FOX: So right now I don't know that you have something to compel someone to move further in construction. Normally it's the monetary reason that you put down your foundation because you want to put up the frame and go ahead and finalize to get this done. This may be a situation where they have the financial where withal to complete the permit and then there may be a delay in pulling the permit to move forward. And they know that's a concern, we know that's a concern because I believe as Mr. Covey probably believes as well that if you put down that foundation and then stop in all likelihood for anyone that lives nearby and has to see that on a daily basis with no progress that's a nuisance to you. You're expecting it to move forward to finish it or to bring it back to its natural state. So just so you understand we're hoping that everything is going to be complete well in advance. I spoke with Eric on this just last week. I know that there's some construction on that I noticed it over the weekend that it's moving along and hopefully it's going to be you know progress and that thing will be completed before the end of the building season. If not I imagine you know that will be our next step is declaring it a nuisance. I imagine they are a sophisticated company with fine legal counsel. They'll probably defend that action and so that's something that we'll probably have to counter at that point. But just so you understand that is not something that's being ignored. And now is the time for them to move they are moving because the weather has been favorable but we do hope that they're going to proceed. Yes, sir?

COUNCILMAN FONTE: You know I know we had like 5 years from '07 to '13 really not a very good real estate market. Most of the builders went out of business. I get that. The market's rebounding especially in that arena. So I would think at the very least if he's not performing now he probably won't perform. Maybe there's a possibility that we can get a group of investors to finish the project and have him just sell it if he's in default or you know I really don't know why. If he's folding or defaulting then maybe we could put a little pressure on him to pony up some investors I'm sure there's 3 or 4 around that could easily work this project and turn it into some condominiums. You know it's a nice building I've been in them they're very nice.

COUNCILMAN GRIFFITH: Does the agreement require them to do the landscaping that Rod was talking about?

LAW DIRECTOR FOX: There, there's a buffer that's...

COUNCILMAN GRIFFITH: Did you hear the question? I'm sorry did you hear the question Eric? Does the agreement require him to complete the landscaping that Rod was talking about?

ECONOMIC DEVELOPMENT DIRECTOR BOWLES: The agreement that the law director is talking about? No, that's just to take care of the foundation walls.

COUNCILMAN GRIFFITH: To complete them to the minimum standard?

LAW DIRECTOR FOX: That's part of the permit but he has a requirement to complete the building plan and some other, other things that are involved with it as well.

COUNCILWOMAN KIESLING: But how much time does he have to do that?

LAW DIRECTOR FOX: June 15th. Those things are supposed to be completed by June 15th.

COUNCILMAN FONTE: That would be the decking and the foundation to get it covered up? Is that it? Putting the decking on?

COUNCIL PRESIDENT PETERS: No.

COUNCILMAN FOLTZE: Just to finish the retaining walls the foundation walls. Do we know what that means? Does it mean to carry out the level around the door all the around the perimeter of you know the plans?

COUNCIL PRESIDENT PETERS: No, I doubt it.

LAW DIRECTOR FOX: I don't have a copy of the permit with me now, but it would be the requirement to complete the permit that he pulled for those things. Putting in the, the utility lines and so forth but that was the very situation that he faced. He began construction and then the market dropped out and yeah it didn't continue.

COUNCIL PRESIDENT PETERS: Okay, Mr. Covey, are you clear on what we've just talked about here? That they have until June 15th to complete the foundation?

ROD COVEY: It's terrible I cannot believe this is happening.

COUNCIL PRESIDENT PETERS: But do you understand that? I'm asking you do you understand. Do you understand they have until June 15th to complete...?

ROD COVEY: But that shouldn't have happened.

COUNCIL PRESIDENT PETERS: I agree with that but we have to give him his due process. So he's got as it stands now the agreement is he has until the 15th to finish complete the foundation. After that the law director said earlier on the record that there may be delays that may be more actions that we have to take to force him to do something. At that time he's going to respond in kind and there are going to be a month or two however long the process takes as it meanders through the court it's not going to happen immediately. Okay? Do you understand what I'm saying here?

ROD COVEY: I do not. May I respond now? Other people responded I'm not allowed to?

COUNCIL PRESIDENT PETERS: Come on now. I want you to get in the comfort zone because you have come up here I don't even know how many times complaining about this when he's talked with you about this. Eric has worked with this. They're worked through they've done everything they can.

ROD COVEY: Wait...

COUNCIL PRESIDENT PETERS: Hold on, listen, hold on, hold on, they've done everything.

ROD COVEY: But I came up to talk and now you're talking...

COUNCIL PRESIDENT PETERS: Rod, please, please, Rod please, they've done everything they can within the law okay? They're trying to move the process along. I want you to understand I'm not quite sure you're understanding that. I mean if you have a grievance with someone and you sue them do they not have the right to respond in kind with their own legal counsel and have it go through the courts. Would you agree with that?

ROD COVEY: The basic question which has never been answered is why did this not happen after one year the way it was supposed to? Was there a cover-up? Did somebody what you tell I'm asking...

COUNCILMAN FONTE: No, the economy tanked.

COUNCIL PRESIDENT PETERS: Rod, Mr. Covey, Mr. Covey, there's not a cover-up. There is not a cover-up. We are not up here to cover up for George Zablo. Do you understand we are your side?

ROD COVEY: I think two people here could explain it Mr. Mayor and Mr. Benekos. They know.

COUNCIL PRESIDENT PETERS: We want to see Mr. Covey, Mr. Covey, we want to see the project completed. I will go even farther and state when I was an at-large council member when this was coming through I opposed this. We opposed it at the Planning Commission. We knew it was losing proposition and they approved it and they still went for it. So I opposed it before they even broke ground. I'm not going myself or allow this body to cover anything up. I want you to understand that. Because you come up here and you attack us and you say things that aren't true. Okay, I want you to understand...

ROD COVEY: I'm a professional journalist and do you know what that means?

COUNCIL PRESIDENT PETERS: Pardon me?

ROD COVEY: I'm a professional journalist, do you know what that means? You don't lie under any circumstance or cover up...and I didn't say there was a cover up there was something that people down there at Auburn Knolls are saying "what is why did this happen"? And Mr. Mayor and I think Mr. Benekos has the answer maybe they want to respond. I'd like to tell I'd like to tell the 400 people down there when I go home tonight, tomorrow morning I'm going to tell them what came out of this. To make them happy.

COUNCIL PRESIDENT PETERS: Okay, Mr. Mayor?

MAYOR HELD: Yeah, as far as having an answer for this I mean obviously when you see a project a development project that starts in the city whether it's commercial or residential you'd like to see it come to completion. And when somebody runs into a problem whether it's due to funding or due to other approval requirements there is a due process that that person has to be

given in order to in order to have the fullest opportunity to complete the project. Now this is something that has gone on much longer than any of the residents...

ROD COVEY: Six years.

MAYOR HELD: Yes, and that is why we've got the law director right now and we have him in the court system. And I know that it's not a satisfactory answer for you Mr. Covey. But what we're doing is the city is addressing as the council president and the law director stated the city can't just arbitrarily go down there and tear down the foundation or the brick wall and just start removing dirt or adding dirt or making any changes to his private property. It is his private property he's not in compliance right now and that's why the city is taking action. And I know it's very frustrating because it's been frustrating for the residents. It's been a frustration for me and I think for all the council members because there's nothing positive that comes from an uncompleted project. But ideally what I'd love to see is the project completed. Not started and stopped. We usually don't see that in our city. Most projects that start they come through to completion and in this case it didn't happen. But we'll see what Mr. Zablo does by June 15th.

ROD COVEY: well what happened to the letter that Mr. I hate to say his name I don't want to get him into trouble.

COUNCIL PRESIDENT PETERS: Bowles.

ROD COVEY: Eric Bowles, I've known Eric since the day he came here but Eric on August 15th wrote Mr. Zablo a letter and say "do it Charlie" you had it he cited the there's a law and all that sort of thing. And he deemed it it's a nuisance and it's a felony so Zablo came back with a letter and said "I will do it on, by September 15th". September came and gone and then suddenly the law director took over and then we got into this mayor's court thing and I came to the mayor's court to have it out and find out what happens and he didn't even show up. No one called and told me that he was coming to another meeting. But my bottom line still is why did not Zablo cover that up or do something one year after you're supposed to? What happened in these five years? And when you speak to Mr. Covey I represent 450 people in that neighborhood; it's not just me. But the reason I'm here is that out of the 420 that have moved into Auburn Knolls over the last 32 years there's only one person left. Think about that. That's this guy right here. So I represent that many people so when you address me I'm being a little factious but say "Mr. Covey, on behalf of the 420 people there" and there's some neighbors outside of Auburn Knolls who also signed a petition...something's rotten in Denmark. We know it is. And we ain't done yet; we're going to keep fighting. We'll get to the bottom.

COUNCILWOMAN WERREN: Mr. Covey, you put an email chain here. I told you I never received those emails and the email is wrong.

ROD COVEY: What?

COUNCILWOMAN WERREN: It's wrong; I've never received those. It's not ".com" its ".gov" and so I think I even wrote that down I think on a sheet of paper at one point my correct email. So you're more than welcome to email me I email my constituents back all the time. But I never got any of these.

ROD COVEY: I sent 300 emails every week the only ones that come back is from the mailman saying "something wrong with the address". None of those came back.

COUNCILWOMAN WERREN: I know, I don't know what to tell you I don't get any ".com".

ROD COVEY: But I also approached you at the bench here a few times.

COUNCILWOMAN WERREN: I don't get any ".coms" I only get ".govs". And I've talked to you about it and I've said the same things that are going on with Tim and I appreciate your passion but at this point we have to follow what the law says. But please I mean if you want me to write down my email again I will and you can email me and we can have a meeting. And...

ROD COVEY: I asked for a ward meeting on behalf of 400 people...

COUNCILWOMAN WERREN: I never got that; again you asked for it in an email fashion I didn't get that. This is ".com" not ".gov". I don't receive those emails.

ROD COVEY: May I ask you now can maybe we have a ward meeting?

COUNCILWOMAN WERREN: Sure, if you can get those 420 people there; maybe we can get Mr. Zablo there.

ROD COVEY: I'm looking for 400 there, but whatever.

COUNCILWOMAN WERREN: We'll see.

LAW DIRECTOR FOX: Mr. Covey, may I respond?

ROD COVEY: To what the meeting?

LAW DIRECTOR FOX: No, the issue of you're asking what Mr. Zablo did after he sent that letter saying that he would complete it. That was your question, right?

ROD COVEY: September 15th.

LAW DIRECTOR FOX: Correct, I've seen that letter and what he did was he didn't follow through.

ROD COVEY: Well, obviously.

LAW DIRECTOR FOX: Agreed. And so the involvement of the law director was when you spoke with Councilmember Werren and Kiesling. And they spoke to me and asked for me to get involved. So I tried to speak with Mr. Zablo on a number of times; telephone calls and letters. And when I didn't receive a satisfactory response I filed a complaint. A criminal complaint that he was required to respond and he did. He responded, he appeared with his attorney and he's entered into an agreement with the city to complete that portion of that project. If he doesn't then the city will continue with the criminal complaint. In all likelihood he'll request a trial and it will be a trial in Canton Municipal Court for failing to comply with North Canton's municipal ordinance. There will be an issue of whether or not that property is indeed considered a nuisance. Or he may comply, he may complete it. We hope he finishes construction by the end of the season. But just like Wednesday there is going to be a lot of North Canton residents surprising number that won't file their North Canton municipal income tax. And if we don't do anything it will just simply be that way. They won't file their taxes, they won't pay their taxes. Once we identify those individuals we'll contact them ask them to respond if they don't respond then we send them to mayor's court. Mayor's court is where we're permitted to enforce municipal ordinances. But if they wish to have a trial then they can transfer that case to the Canton Municipal Court. Right now where this issue is with that property filed the complaint, he's responded, he's agreed to complete what the city said he needed to complete. If he doesn't do it by that date then we will proceed take the action either back to mayor's court as I said in all likelihood it will go to Canton Municipal Court where he will have to respond to the complaint that he's created the nuisance in violation of North Canton's codified ordinance. So it's not as though nothing has happened, it's happened as far as we can take it right now. We hope that it gets resolved. No one would be happier than if the construction was either complete or it's returned to its natural state. His legal counsel understands that. He said "there's no way we're taking that wall down" I understand. He doesn't want to waste the money because he would have to do it again because he would have to do it again if he wishes to proceed with the construction. But that's something that he has the right to respond. He has his due process rights; he can respond to the complaint that he created a nuisance.

ROD COVEY: Why didn't he do this on September 15th?

LAW DIRECTOR FOX: I can't speak for him.

ROD COVEY: Well I'm speaking to all of you...

LAW DIRECTOR FOX: There are plenty of people...

ROD COVEY: Why did he get by with it?

LAW DIRECTOR FOX: Well I don't know that he got by, a criminal complaint has been...

ROD COVEY: He just didn't...he broke his promise he lied he lied to the people...

LAW DIRECTOR FOX: Well I agree.

ROD COVEY: He lied to you and he lied to Mr. Bowles.

LAW DIRECTOR FOX: As I said there are people that haven't filed their income taxes but it's incumbent upon us to bring the action. To seek compliance with the municipal ordinance and that's what we've done. At this point we can't do anything further. You understand it's still pending?

ROD COVEY: No, I do not understand anything frankly...

LAW DIRECTOR FOX: It's still pending.

ROD COVEY: I'm like the Repository was 6, 8 months ago I'm madder than hell because I'm not getting any answers.

LAW DIRECTOR FOX: I don't know that I can give you more.

ROD COVEY: I wish somebody would explain why on September 15th did he not either fill it or start building. Now we're in all this optician that comes from the attorneys get involved and it's going on and on and on and on. And it will go on and on and on and on.

LAW DIRECTOR FOX: Okay.

COUNCILMAN FONTE: Did you ever call Zablo to see did he ever talk with you?

COUNCILMAN FONTE: Did Zablo ever talk to you about his problem?

ROD COVEY: He is not talk able to if you know what I mean. He's a very mean man. There are some things I would not dare say now but believe me he doesn't talk to anybody. He says everybody at Auburn Knolls hates him. I said "no, George, only 98%".

COUNCIL PRESIDENT PETERS: Okay, Mr. Covey, thank you so much I appreciate it.

ROD COVEY: Yes, thanks very much. Yeah, it was really fun I really enjoyed it.

COUNCIL PRESIDENT PETERS: Thank you. Okay, if there's anyone else wishing to address council please step forward state your name and address. That's it? Okay, onto old business. Okay, may I have a motion and a second to read by title only the third reading of Ordinance No. 15 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 15 - 2015.

7. Old Business

8. Ordinance No. 15 – 2015	Ordinance, Rules and Claims Committee
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An ordinance amending TITLE THREE – LEGISLATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 111 – COUNCIL and to repeal Section 111.02 COUNCIL STRUCTURE.

COUNCIL PRESIDENT PETERS: Thank you. Chairwoman Werren, tell us something good.

COUNCILWOMAN WERREN: I can't, I can't. I think we've talked about this and this just removes council from the appeal process. I move that we pass it.

COUNCILWOMAN KIESLING: No.

COUNCILWOMAN WERREN: This one doesn't? Yes, it does.

COUNCILWOMAN KIESLING: This is the employees report to Jeff to the council president.

COUNCILWOMAN WERREN: No, that was the second one.

COUNCILMAN GRIFFITH: No, that's 16.

COUNCILWOMAN WERREN: No that's #9 the administration.

COUNCILMAN FONTE: Get some clarity.

COUNCILWOMAN WERREN: This is the repeal.

COUNCIL PRESIDENT PETERS: No, that's administration, yeah what's #8 Tim? I don't have it, are you kidding me?

COUNCILMAN FOLTZ: This is third reading.

COUNCIL PRESIDENT PETERS: Yeah, that was for...

LAW DIRECTOR FOX: Mary Beth, do you have all the legislation? (Yes) Thanks, thank you. Okay, this is regarding the president's duties and responsibilities.

COUNCIL PRESIDENT PETERS: Yes.

COUNCILMAN GRIFFITH: Yes.

COUNCILWOMAN WERREN: The administration powers and duties that's #9.

LAW DIRECTOR FOX: 16 regards the appeals, 15 regards the duties, responsibilities of council president.

COUNCIL PRESIDENT PETERS: Okay.

LAW DIRECTOR FOX: It's easy they all look very similar when you see them.

COUNCILWOMAN WERREN: Yeah, and when I had my notes. This is just our council president and the roles that he plays and the chain of command the director of finance, the clerk and Tim.

LAW DIRECTOR FOX: Yep.

COUNCILMAN FONTE: Isn't it just like identifying like the chain of command?

COUNCILWOMAN WERREN: Right.

COUNCILMAN FONTE: Okay, that's what I thought.

COUNCIL PRESIDENT PETERS: Okay.

COUNCILMAN GRIFFITH: This is the chain of command, chain of command.

COUNCIL PRESIDENT PETERS: Okay, do I have a motion and second to...

COUNCILWOMAN WERREN: I make a motion to accept.

COUNCILMAN FOLTZ: Second.

COUNCIL PRESIDENT PETERS: We have a motion and a second, Mary Beth.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 15 – 2015.

ORDINANCE NO. 15 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the third reading of Ordinance No. 16 – 2015?

COUNCILMAN CERRETA: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 16 - 2015.

9. Ordinance No. 16 – 2015	Ordinance, Rules and Claims Committee
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An ordinance amending TITLE FIVE – ADMINISTRATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 1171 – ADMINISTRATIVE POWERS AND DUTIES, and to repeal Section 1171.05 CITY COUNCIL.

COUNCIL PRESIDENT PETERS: Chairwoman Werren?

COUNCILWOMAN WERREN: Okay, so this one takes the appeal process away from council. We've talked about this numerous times. And I move that we accept.

COUNCILMAN GRIFFITH: Second.

COUNCIL PRESIDENT PETERS: Oh, okay, I'm sorry I didn't hear it.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 16 – 2015.

ORDINANCE NO. 16 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the third reading of Ordinance No. 17 – 2015?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 17 – 2015.

10. Ordinance No. 17 – 2015 Ordinance, Rules and Claims Committee

An ordinance amending TITLE FIVE – ADMINISTRATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, and to repeal and delete Section 1177.11 APPEAL TO CITY COUNCIL.

COUNCIL PRESIDENT PETERS: Thank you. Chairwoman Werren?

COUNCILWOMAN WERREN: Again, we've talked this and this removes the appeal to the city.

COUNCILMAN GRIFFITH: Obviously I think it makes sense. Can I you don't mind if I comment when do I ever for permission anyway? I apologize I do think it's worth we've had some discussion relative to whether or not an appeal should be appropriate to the Board of Zoning Appeals. I do want to clarify one of the things that Miriam mentioned before we're not removing all rights to appeal to the BZA. I mean there are lots of other ways in which somebody would trigger an appeal to the BZA in other parts of the code. So we're not you know we're not making the Board of Zoning Appeals irrelevant in that sense. I would like to examine the issue and see I know there's been some good discussion we've talked about it Jeff and I, you and I had a good discussion about it to have the clerk and the law director do some additional research. I've done a little bit myself so I would I mean we're not in a huge hurry for this I don't think so. I would if it's appropriate move to table the issue for the third reading here until we've made a final determination on that.

COUNCILMAN CERRETA: I would second that to have another committee meeting on that so we can discuss a little bit more and dig into it so we're a little bit more informed about it.

COUNCIL PRESIDENT PETERS: That sounds good to me. Are you okay with that? Was a motion to table?

COUNCILMAN GRIFFITH: I motion to table.

COUNCILMAN CERRETA: Second.

COUNCIL PRESIDENT PETERS: Motion and a second to table.

Roll call vote of 7 yes to table Ordinance No. 17 – 2015.

ORDINANCE NO. 17 – 2015 WAS TABLED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Alright, thank you. May I have a motion and a second to read by title only the third reading of Ordinance No. 21 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 21 – 2015.

11. Ordinance No. 21 – 2015 Finance and Property Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract to replace the siding on the North Canton's Service Center at a total cost not to exceed \$185,000.

COUNCIL PRESIDENT PETERS: Thank you. Chairman Griffith?

COUNCILMAN GRIFFITH: To continue our discussion of contentious issues I think this is another one that will be at the top of the list. We have discussed this thoroughly and approved it I mean we're going to read it three times it's in the budget. So if there's no other questions I'll move its approval.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 21 – 2015.

ORDINANCE NO. 21 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 24 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 24 – 2015.

12. Ordinance No. 24 – 2015

Personnel and Safety Committee

An ordinance amending Section 20 COMPENSATION, of Chapter 155, Personnel Regulations of Part One – Administrative Code of the Codified Ordinances of the City of North Canton, remove the swimming pool positions, in accordance with North Canton Ordinance No. 14 – 2015, and for the timely implementation of an essential, part-time payroll manager/administrative assistant position, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you. A little housekeeping in advance of the YMCA taking over operations of day-to-day operations of Dogwood Pool and also giving the director of finance a little more flexibility within her department. If there's no other questions I'll entertain a motion and a second to adopt the second reading of Ordinance No. 24 – 2015.

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 24 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. And as time is of the essence may I have a motion and a second to suspend the rules for Ordinance No. 24 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes for suspension of the rules for Ordinance No. 24 – 2015

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 24 – 2015?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes for suspension of the rules for Ordinance No. 24 – 2015.

ORDINANCE NO. 24 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to amend Ordinance No. 25 – 2015 to include the paragraph we discussed earlier regarding a person...?

COUNCILMAN FOLTZ: Do you want to read it into the record?

COUNCIL PRESIDENT PETERS: Yeah, I read it into the record "a person aggrieved by the alleged failure of a public office to comply with an obligation of the Public Records Act may file a mandamus lawsuit against a public office. In this lawsuit the requester will have the burden of showing that they made a proper record request and the public office will have the burden of showing the court that it complied with the obligation/obligations allegedly violated. If it cannot the court will order the public office to provide any and properly withheld record and the public office maybe subject to a civil penalty and payment of attorney fees." Okay, so...

COUNCILWOMAN WERREN: Question?

COUNCIL PRESIDENT PETERS: Yes?

COUNCILWOMAN WERREN: I thought weren't we just keeping Section "E" the grievances that was already in the Public Records Act in there? Or are we replacing it with that paragraph?

COUNCILMAN FONTE: Were we adding that back in.

COUNCIL PRESIDENT PETERS: We're just adding the last paragraph to start on page 6...

COUNCILWOMAN WERREN: Right, I just didn't know I thought we were doing that it was already in our Public Record Act.

COUNCILMAN FONTE: Page 4.

COUNCILWOMAN WERREN: On 4.

COUNCIL PRESIDENT PETERS: No, we didn't discuss that we discussed adding the...

COUNCILMAN FONTE: The grievance is back in?

COUNCIL PRESIDENT PETERS: Yeah.

COUNCILWOMAN WERREN: It the same it's about grievance #4, "e" was.

COUNCILWOMAN KIESLING: Grievance on page 4 is what we talked about.

COUNCILMAN FONTE: Yeah, that's what we talked about. Adding the grievance thing back in just to be extra...

COUNCILMAN FOLTZ: Well let's add "6" vote it go back to committee if we need to its only second reading correct?

COUNCILMAN GRIFFITH: There is a concern about making sure that we're in compliance. But...

COUNCILMAN CERRETA: So let's take that additional week to make that certain.

COUNCILMAN GRIFFITH: I would favor that as well.

COUNCILMAN FOLTZ: So we want to add "6" for now?

COUNCILMAN GRIFFITH: I want..."6" and I would we talked about the grievance process as well. Can we...

COUNCIL PRESIDENT PETERS: I've asked for a motion and a second to amend to include that do you just want to hold off and do it all in one shot next week?

COUNCILMAN GRIFFITH: I think it's I know Tim wanted to...

COUNCILMAN FOLTZ: Well I would pass the second reading tonight.

COUNCIL PRESIDENT PETERS: Yeah, we can do the second reading.

COUNCILMAN GRIFFITH: But I'd rather see it in its completed form before we pass it.

COUNCILMAN FONTE: Can we add it in like add it...

COUNCIL PRESIDENT PETERS: Well we will we'll see it in its completed form the next time we vote on it we can discuss it in committee next week.

COUNCILMAN GRIFFITH: Which is fine that's okay.

COUNCIL PRESIDENT PETERS: Are you okay with that?

COUNCILMAN CERRETA: Let's do that.

COUNCILMAN FOLTZ: That's great.

COUNCILWOMAN WERREN: We're not meeting next week. Next week is the State of the City.

COUNCIL PRESIDENT PETERS: That's right.

COUNCILMAN GRIFFITH: So would you be willing to amend your amendment to include paragraph "e" from the existing policy?

COUNCIL PRESIDENT PETERS: Yeah, let's do that. Do I have to read the whole thing?

COUNCILMAN GRIFFITH: No, I mean because it's...

COUNCILWOMAN KIESLING: It's already on the record.

COUNCIL PRESIDENT PETERS: Okay, so I want to amend the amendment to not only include to not only the last paragraph but also to include section "e".

COUNCILMAN CERRETA: Of the previous.

COUNCIL PRESIDENT PETERS: Yes, of the previous title grievances.

COUNCILMAN FOLTZ: Which included paragraph read into the record? Second.

COUNCIL PRESIDENT PETERS: May I have a motion and a second to read by title only the second reading of Ordinance No. 25 – 2015.

COUNCILWOMAN WERREN: Second.

13. Ordinance No. 25 – 2015 Personnel and Safety Committee

An ordinance repealing and replacing the Public Records Policy section of the City of North Canton Personnel Handbook, and declaring the same to be an emergency.

COUNCILMAN GRIFFITH: I want to make a quick note here too. I won't ask to intersect this time but one of the issues I think in government broadly is that too often people can point the finger and say "well this wasn't my responsibility or this was her job it was his job" and defray the responsibility. There's too often a situation where we've created systems where the buck doesn't stop at somebody's office or at somebody's desk. And in this particular case by there's been a concern expressed about the law director and that involvement here relative to our old system which allowed it to be everywhere else. What we're actually doing when we adopt this is to not just create clarifications but we're also putting responsibility in one person's lap. And if we do have a liability issues then those are going to be Tim's. As it should be I think that's appropriate it should be the law director's. But what we won't be able in the future be able to say "well, that wasn't my job or that custodian had to their job" or something else. If there's an issue or problem if there's not an appropriate response if something is disclosed that shouldn't be or if there's not a rapid enough of a response then our policy says that issue lands squarely in one person's lap. So when, when Tim defends this policy I mean obviously he wouldn't say that but by advocating this he's actually say "I'm willing to take on the responsibility". Because at the end of the day that's where it should be. So I think that's important to clarify too.

COUNCILMAN FOLTZ: Well said.

COUNCILMAN FONTE: Yeah. You're the man.

COUNCIL PRESIDENT PETERS: Okay, may I have a motion and a second to adopt as amended the second reading of Ordinance No. 25 – 2015?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt the second reading of amended Ordinance No. 25 – 2015.

COUNCIL PRESIDENT PETERS: Well let me ask council this are do you guys want to have a third reading on this?

COUNCILWOMAN KIESLING: I think so we just amended it, definitely.

COUNCIL PRESIDENT PETERS: Alright, very good.

COUNCILMAN FOLTZ: Public can weigh in under public speaks.

AMENDED ORDINANCE NO. 25 – 2015 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT PETERS: Alright, thank you very much. Onto new business may I have a motion and a second to read by title only the first reading of Ordinance No. 23 – 2015?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 23 – 2015.

14. New Business:

15. Ordinance No. 23 – 2015 Park and Recreation Committee

An ordinance repealing and replacing Ordinance No. 29 – 2011 to increase the rates for season membership and daily

admission to the City of North Canton Municipal Swimming Pool, and rate for swimming lessons, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Foltz?

COUNCILMAN FOLTZ: Thank you. I apologize for being absent last meeting due to health issues. But I did talk to Ben Wheeler I was on vacation and I didn't get a chance to talk to him till this afternoon. He did go over the pool rate structure that I guess him and some Y members looked at and hopefully was presented to everybody. As far as I know this was the only thing that was presented it was one page where it had the two columns in yellow? He brought a Dogwood kind of like a goal mutual goals so what they're trying to do with the pool. I think we can pretty much all agree with that I think. And we had a good conversation wasn't long but I just tried to understand what he was doing.

COUNCIL PRESIDENT PETERS: Did you get that?

COUNCILMAN FOLTZ: No I did not get that.

COUNCIL PRESIDENT PETERS: Okay.

COUNCILMAN FOLTZ: Is that the same? See this is what I got.

COUNCIL PRESIDENT PETERS: Okay, here this is...

COUNCILMAN FOLTZ: Oh this might be the same. He just doesn't have my proposals on it. What I understand by it was we keep the same tier is that correct or no? I mean it's the same tiers being city resident, school district, City taxpayer, non-resident. We didn't have seniors.

COUNCILMAN CERRETA: And they got rid of the additional.

COUNCILMAN FOLTZ: Right, right. You know and I didn't see yeah he wanted to add a senior rate for the non-resident. And I think yeah and we talked about the four family members; he wants to waive that that could be unlimited I guess. I mean I'm paraphrasing. Special points he was looking at 2.3%, senior rate was 50% which would increase more. And of course it's all an evolution of how we got to our rates. I think we all understand how we got to our rates, we use the old rates and we raised them. And we had discussion and it went forward and now we've had plenty of discussion good discussion about where we're going. I think we all want the same things obviously but looking that over again if I'm right on this through this structure he shows an increase of \$4,126. That's not including the 20% discount you know. That's coming next. So 38% of that is gone. There's not going to be \$4,000 on this rate structure with the number of pool passes purchased. I've asked him that specifically. So we show an increase of \$4,126 with the modified because some of them aren't raised at all. In fact the North Canton residents are raised more any of them which I'm really not in favor of. I think our pool is for our residents first. The Y's getting involved but I'm for our taxpayers that should be their pool, their reasonable rate first but we don't increase outside rates at all. The family for \$400, we're adding a senior rate but here again we took a chance to sell outside rate because we wanted to make sure as far as family pass to non-residents because we wanted to make sure that pool is available to our residents. That's something I'm not just going to not address here on council. I mean when we're spending \$750,000 it's our taxpayer's dollars. It's not the Y's money, it's not Y members in Jackson Township or Louisville or downtown Canton it's our taxpayers. And we have a responsibility to that. I understand what he's trying to do I just disagree with it. That's just my opinion. When I figured this rate structure that you had in your packet two weeks ago I show basically almost \$11,000 increase with minimum rate structure increases on a bad rainy year. I don't think we're going to have any problem with these memberships. I really don't. I think a lot of these rates that are left alone or eliminated and we did add senior outside. Okay, but you know I'm for getting some return for our dollar now knowing that great things are going to with the Y hopefully to extend our pool season past Labor Day next year. Its' not going to happen this year if we could work it out I'm in favor of that. But that's the bottom line we're looking at \$4,000 increase take 20% of that with 38% of the members; that's going to happen. We're not going to have any increase at all. And we're going to split that 50/50. Okay, so everyone knows what's going on I think we've all discussed that. I don't want to talk for hours on it. You guys if you like the structure I presented vote it up or down. If you guys want to do this one if that doesn't pass I'll for this. You know I think we've got to move forward.

COUNCILMAN FONTE: I think you weren't here last week but Ben came up and we talked about it. And I was along the lines what you're saying too. But then he said that they just would not rock the boat too much this year and then get the season closed, get the place fixed up and then probably next year they're going to simplify it and make a better structure that will affect the city. And so I just really looking for some increase I mean it's not as much as I would like either but I was happy with the thought that just know there's some movement there and then let them get kind of get their mojo on or whatever you want to call it and then next year hopefully get a little bit more aggressive fairly balance it to recoup some of that \$750,000 or whatever.

COUNCILWOMAN KIESLING: Doug, I think, I think the point that Ben made that one year be as far as his rates are the fact that it was concrete. So you're the raises that we talked about there was no okay 8 day passes equals a full member and raising it by 2.3%. So he made it very clear as to how much everything cost depending on the day pass. So it made more sense so like next year when we do start increasing it it will be increased very evenly, incrementally and much more structured increase.

COUNCILWOMAN WERREN: I agree I wasn't I said to him afterward I said "we still need more money" but it was able to give him an explanation when to his Y members or to anybody about why the rate increased this amount.

COUNCILWOMAN KIESLING: And had to explain it you know...

COUNCILMAN FONTE: It was good Ben by you talking last week...

COUNCILMAN FOLTZ: And that's fine but I'm not it's not about the Y membership for me it's about our residents.

COUNCILWOMAN WERREN: It wasn't...

COUNCILMAN FONTE: No, no, we feel the same way...

COUNCILMAN FOLTZ: I mean so I say it in a way that I'm trying to discourage the Y I've said that because if we would have voted this in January we wouldn't in fact there was no rate structure by the Y. Maybe he's looking to find a middle ground for markets too to be fair. And that's okay whatever we're going to do we're going to do. So if there's not support for my resolution or ordinance then change it...

COUNCILMAN FONTE: No, no, I just want to see some increases. I wanted to see some increases like you, you know I mean was there...

COUNCILMAN FOLTZ: Because there's really not any increases here.

COUNCILMAN FONTE: Well there's some.

COUNCILMAN FOLTZ: Not really.

COUNCILMAN FONTE: It was just a little less bit dramatic I guess. The percentage is it's kind of like it's kind of like what I'm saying it's kind of like we got a 50% raise.

COUNCILMAN FOLTZ: Okay, that's fine I'm done talking about it you guys seem to be a consensus here we'll move forward. Okay?

COUNCILWOMAN KIESLING: Okay.

COUNCILMAN FOLTZ: But we will revisit the numbers.

COUNCILMAN FONTE: I'm with you.

COUNCILWOMAN KIESLING: Definitely.

COUNCILMAN FONTE: I'm with you.

COUNCILMAN FOLTZ: If they're not where they need to be we're going to address that.

COUNCILMAN FONTE: I say give them one year and then lets regroup next year and get a plan of action together.

COUNCILMAN FOLTZ: Okay, so obviously I don't feel there's support for the existing rate structure so if you want to amend it to include this rate structure that was proposed. And I guess we're adding senior to a non-resident, right? Is that what we're doing?

COUNCIL PRESIDENT PETERS: Single and a senior.

COUNCILMAN FOLTZ: And we're not there's no limit on any family like 4 it could be if there's 8 in family there's no number. Is that what we're saying?

COUNCILWOMAN KIESLING: And the way you know you process it in your head you buy a family membership over there it doesn't matter how many...I'm okay with that.

COUNCILMAN FOLTZ: Okay.

COUNCILMAN CERRETA: And those families of 8 could be in our city.

COUNCILMAN FOLTZ: I hope most of them are because we're going to have problem if they're not in my opinion.

COUNCILMAN FONTE: Yeah, I say let's give them let's let them get their footing for one year and then we promised we'll revisit this again and make up for lost time.

COUNCILMAN FOLTZ: Alright...

COUNCILMAN FOLTZ: And all the other language I guess that I didn't see.

LAW DIRECTOR FOX: Yep.

COUNCIL PRESIDENT PETERS: Okay, do I have a motion and a second, okay?

COUNCILWOMAN KIESLING: I motion.

COUNCILMAN FONTE: I second that.

Roll call vote of 7 yes to amend Ordinance No. 23 – 2015 to include the amended YMCA rate structure.

COUNCIL PRESIDENT PETERS: Okay, may I have a motion and a second to adopt the first reading as amended for Ordinance No. 23 – 2015.

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adopt the first reading of amended Ordinance No. 23 – 2015.

COUNCIL PRESIDENT PETERS: Okay, as time is of the essence may I have a motion and a second to suspend the rules for amended Ordinance No. 23 – 2015

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to suspend the rules for amended Ordinance No. 23 – 2015.

COUNCIL PRESIDENT PETERS: May I have a motion and a second to adopt under suspension of the rules amended Ordinance No. 23 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt under suspension of the rules for amended Ordinance No. 23 – 2015.

AMENDED ORDINANCE NO. 23 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 26 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 26 - 2015.

16. Ordinance No. 26 – 2015

Community and Economic Development Committee

An ordinance terminating a Community Reinvestment Area ("CRA") agreement between the City of North Canton and L.T. Parker & Associates, Inc., DBA APARCO Security Systems ("APARCO").

COUNCIL PRESIDENT PETERS: Chairwoman Kiesling?

COUNCILWOMAN KIESLING: Based upon the TIRC recommendation APARCO did not meet their requirements and therefore we're going to terminate their CRA agreement. And because of the termination and them not meeting requirements they're also going to pay us back \$2,875.12. Because they did not meet the staffing requirements in the agreements I motion that we adopt.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 26 – 2015.

ORDINANCE NO. 26 – 2015 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 27 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 27 - 2015.

17. Ordinance No. 27 – 2015

Community and Economic Development Committee

An ordinance continuing Community Reinvestment Area (“CRA”) agreements between the City of North Canton and LMD Property and Reed Funeral Home.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairwoman Kiesling?

COUNCILWOMAN KIESLING: Yes, the TIFC met on this agreement as well between LMD Property and Reed Funeral Home and they have met their requirements to maintain their agreement with us for the CRA. So I motion that we continue the agreement between those two companies. We look at them yearly.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 27 – 2015.

ORDINANCE NO. 27 – 2015 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Alright, thank you. I’m going to read this and then we’re going to go to the director of administration I want we’re going to pick your brain here. We talked about this at length.

COUNCILWOMAN WERREN: Well actually we talked about the gas because we were confused about the gas one as well.

COUNCILMAN FONTE: Opt-in, opt-out.

COUNCIL PRESIDENT PETERS: Yeah, so actually why don’t we do it now.

COUNCILMAN FONTE: Yeah.

COUNCILWOMAN WERREN: Do you want to read it first and then discuss?

COUNCIL PRESIDENT PETERS: Let’s discuss it first. Okay, where do we start at?

COUNCILMAN FONTE: Let’s start with gas because we’re confused on that.

COUNCILWOMAN WERREN: The gas question.

COUNCIL PRESIDENT PETERS: Yeah, thanks for Mike I appreciate it. We had a comment from one of the residents that didn’t like the opt-out aspect of it. Thought he was being forced into doing something that he didn’t want to do. Just make it harder. And what is the reasoning behind that?

COUNCILWOMAN WERREN: But also he didn’t think it was consistent with the gas. So the gas we all thought the gas was opt-out.

COUNCILMAN FONTE: You automatically were in.

COUNCIL PRESIDENT PETERS: Was the gas also opt-out? Is that the question?

DIRECTOR GRIMES: Correct, our gas aggregation is an opt-out program. You’re already in it I think its Ordinance No. 74 – 2012 we passed it a couple of years ago. The reason we did that is sometimes you get most of the time you get a better price if somebody has to opt-out. Now the resident saying that you have to go through some steps to get out of it but the resident is correct you do have to do that. But that’s the way we lean last time we figured we get a better price on that. The electrical aggregation that will be up to council to decide which way they want to do it. And I’ve already let the council clerk know that the gentleman is ready to come and answer your questions and do a presentation. And he can explain both ways too but I

imagine electric is going to be the same way you get a little better price if you have to opt-out of the program. Now there may be some confusion within the last year or so we changed suppliers and we went with Constellation. And some of us I'm one of that was included originally I was out of the program because I thought I could get a better price back in the day than the city was providing. Then I went into the program and I had IGS you know that we had before. When IGS switched to Constellation or Constellation got our aggregation, IGS treated people like me as not part of that that they were out. And the PUCO is on their side on that so I actually had to opt back into the program too and I had several people call me on that. And it was confusing for folks. Fortunately they weren't too mad at me because the price is you know were pretty close this winter. But that's kind of the way our program is.

COUNCIL PRESIDENT PETERS: Okay and Mr. Saylor was also lamenting the fact that individual citizens had to opt-out but big business did not have to do that.

DIRECTOR GRIMES: Yeah, our aggregation is for residents.

COUNCIL PRESIDENT PETERS: Okay.

COUNCILWOMAN KIESLING: Do businesses have the opportunity to opt-in if they'd like?

DIRECTOR GRIMES: I believe they can opt-in I would have to check with our consultant. I think they get the same price but I don't think it's exactly the same program. But I don't want to commit to that until I talk to him. But there is some difference on that.

COUNCILMAN GRIFFITH: Are we allowed to include them in the aggregation?

DIRECTOR GRIMES: I believe it's for residents only.

COUNCILMAN GRIFFITH: So maybe by state statute we're limited. But...

COUNCILMAN CERRETA: Well if I'm not mistaken these companies have people to call on these businesses and try to get their business in the same way by selling a certain amount of energy to these folks. So they have their own separate sales force for those commercial plan folks if I'm not mistaken.

DIRECTOR GRIMES: Yeah, there's a whole group of people out there that you know bombard you all the time on that type of thing. So but the electrical aggregation will just be up to us and then we can check to see if there's that big of a price difference and you know what the public wants on that.

COUNCILWOMAN WERREN: When can he come in? At the next meeting?

COUNCIL PRESIDENT PETERS: 27th April 27th is our next meeting.

DIRECTOR GRIMES: Yes, I'll check with him and then let him know. I told him it would be pretty much in the next few weeks if you folks decided to go that way.

COUNCILWOMAN WERREN: Okay.

COUNCIL PRESIDENT PETERS: Okay. How soon could you let us know if he would be able to make the April 27th meeting?

DIRECTOR GRIMES: Tomorrow.

COUNCIL PRESIDENT PETERS: Tomorrow. Okay, very good. Thanks Mike, I appreciate it. Alright, so where are we at? Oh, we haven't done anything yet. May I have a motion and a second to read by title only the first reading of Ordinance No. 28 – 2015?

COUNCILMAN FOLTZ: So moved.

COUNCIL PRESIDENT PETERS: Hold that note. While we're waiting on Marcia; Mr. Saylor did you hear that? Mr. Grimes is going to talk to that gentleman we're hoping he can be at our 27th Monday the 27th meeting.

GLENN SAYLOR: Yeah, I was looking at your ordinance it does say if I'm not out of order here that it talks about mercantile, industrial, and commercial that they shall (inaudible due to Mr. Saylor not being near a microphone.)

COUNCIL PRESIDENT PETERS: Right, that's what Mr. Grimes was saying when we were asking him that question it was for residents only.

GLENN SAYLOR: Oh for residents only. Okay, thank you.

DIRECTOR GRIMES: And I can let you know Mr. Saylor for sure when he's coming I'll contact you.

GLENN SAYLOR: Okay, very good. Thank you.

COUNCIL PRESIDENT PETERS: Okay, if there's no questions I'll entertain a motion and a second to adopt the first reading of Ordinance No. 29 – 2015.

COUNCILMAN GRIFFITH: Second.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules for Ordinance No. 29 - 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to suspend the rules for Ordinance No. 29 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 29 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt under suspension of the rules for Ordinance No. 29 – 2015.

ORDINANCE NO. 29 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 30 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 30 - 2015.

20. Ordinance No. 30 – 2015 Personnel and Safety Committee

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Ohio Patrolmen's Benevolent Association ("OPBA") ("Dispatch"), and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you. Law director anymore to add?

LAW DIRECTOR FOX: No, this is simply the companion one this is for our contract for our dispatchers.

COUNCIL PRESIDENT PETERS: Motion and a second to adopt the first reading of Ordinance No. 30 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 30 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules for Ordinance No. 30 - 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to suspend the rules for Ordinance No. 30 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 30 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

ORDINANCE NO. 30 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCILMAN GRIFFITH: Second.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 31 - 2015.

21. Ordinance No. 31 – 2015 Finance and Property Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an agreement for the purchase of one 2015 Kovatch Mobile Corporation (KME) custom pumper Predator Panther Fire Vehicle for the Fire Department from a vendor or, in the alternative, pursuant to the Ohio Cooperative Purchase Act, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith?

COUNCILMAN GRIFFITH: We've had good discussion about this. The chief was here last week I would note that predator panther fire vehicle was I think the mayor's band name in high school was it not? Your garage band? If there's no other discussion I will move its approval.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 31 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules for Ordinance No. 31 - 2015?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules for Ordinance No. 31 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 31 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to adopt under suspension of the rules for Ordinance No. 31 – 2015.

ORDINANCE NO. 31 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 32 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 32 - 2015.

22. Ordinance No. 32 – 2015 Finance and Property Committee

An ordinance declaring that certain Fire Department equipment owned by the City of North Canton, is no longer required for municipal purposes, and authorizing the Mayor of the City of North Canton to enter into an agreement with Mahoning County Career and Technical Center to sell a 1989 Pierce Arrow Fire Engine, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: Again, we had good discussion about this last week. The chief was here I see Rich is here tonight. It sounds like he was able to negotiate a wonderful deal which will benefit a very good educational institution. They are pun intended hot-to-trot to get this in there so I would move its approval if there are no other questions or issues.

COUNCILWOMAN KIESLING: Second.

COUNCILMAN FONTE: For 10K is the deal?

COUNCILMAN GRIFFITH: Yes, \$10,000.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 32 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules for Ordinance No. 32 - 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to suspend the rules for Ordinance No. 32 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 32 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt under suspension of the rules for Ordinance No. 32 – 2015.

ORDINANCE NO. 32 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

23. Reports – Council:

COUNCIL PRESIDENT PETERS: Reports?

COUNCILMAN FONTE: I'd like to let everybody know they're invited to our office Wednesday tax day to relax with a business Chamber of Commerce. We're going to have our North Canton Chamber there so if anybody can come up to our office it's on Applegrove. You're all welcome, the public's welcome to come. And I hope to see you there.

MAYOR HELD: When you say "our office" you're meaning?

COUNCILMAN FONTE: Oh my real estate office, Cutler Real Estate. I'm sorry. It's at Applegrove corner of Applegrove right behind McDonalds and we just renovated it and its going to be a great time to take stress of paying your taxes.

COUNCIL PRESIDENT PETERS: Thank you. Member Werren?

COUNCILWOMAN WERREN: Just based on Mr. Covey's comments you know we'd be happy to have a meeting and maybe if Tim was there. I think there's been a lot of misinformation and maybe we just need to clarify. And so maybe can we have meetings in here?

COUNCILWOMAN KIESLING: Yeah, invite them here. Definitely.

COUNCILWOMAN WERREN: Okay, maybe we can do that.

COUNCIL PRESIDENT PETERS: Member Kiesling?

COUNCILWOMAN KIESLING: No report.

COUNCIL PRESIDENT PETERS: Member Griffith?

COUNCILMAN GRIFFITH: No report.

COUNCIL PRESIDENT PETERS: Member Cerreta?

COUNCILMAN CERRETA: I think in the next month or so probably Mr. Benekos is going to talk about this a little bit. You know we do a lot of legislative stuff. But the most exciting stuff is what we see and how the city's landscape changes and I think the Hoover District here as we are seeing in the last couple months is starting to change a little bit. And so I think throughout this summer we're really going to see some changes and we're going to be involved in some meetings down the road here about

how that's happening. I believe at this State of the City the mayor and of course Superintendent Mike Hartenstein will give their address but the people from the Hoover Company will be on hand to give us their new renditions and I believe we are all invited to do somewhat of a tour of what's going on there. Because I think it's real exciting I'm really looking forward to that. I mean you look at this city the history is changing. And it's kind of exciting some of it of course is sentimental and that's gone by the wayside. But the things that they've changed so far people have accepted and you kind of like things. I think as we move forward we're going to see even more of that. So I think we should all be on top of our game by what we want and we want to see here as these folks come to the table and start talking to us about some things. Whether it be the guard shack, whether it be landscaping or whatever it is just little comments and I think I really looking forward to seeing some of these renditions at the State of the City that are going to be there to talk to us. I mean the whole community is invited to that. So it should be exciting for them to come out and get their opinion on some things. Okay, that's all the reports I have.

COUNCIL PRESIDENT PETERS: Thank you. Member Foltz?

COUNCILMAN FOLTZ: No report.

COUNCIL PRESIDENT PETERS: Okay, I have no report other than to say thank you to everyone that showed up in a very spirited debate, very informative comments. I thank you sincerely.

24. Reports:

COUNCIL PRESIDENT PETERS: Director of Law?

LAW DIRECTOR FOX: Sure, there was a very spirited debate on public records. And the comment from a resident stating that the law director should be seen and not heard. And I can't disagree more because the law director is the advisor for this body. And so if someone states on the record something that is contrary to Ohio law if I sit and say nothing then it's as though I'm agreeing with that. I have the obligation to point that out. So if someone states that public records are required to be provided immediately I should state that "no, that's not the standard that the standard is within a reasonable period of time". If someone states that our public record policy is correct because the Ohio Public Records Act has not been amended since our policy was adopted. I should say "actually no, it's been amended 11 times". That's my obligation. So I wanted to make sure that you understood that that's why I'll point that out. I also am passionate about it because I know the frustration that those that deal with Mr. Osborne coming in and yelling at public officials regarding the state of the law for public records. So I am passionate about it because I want our employees to get it right. I would be terribly embarrassed if someone an employee relied on information and we got it wrong. We absolutely want to get it right. And the grievance policy that is in our old policy or I might as well as say our current policy that everyone is so adamant in keeping is not current with the current grievance policy provided by the Attorney General's office and the State Auditor. I would recommend that you go with the most current not something that states "if a person is aggrieved they can take their concern to the person that provided them the record" well of course you can. You can take it to the law director well absolutely. Do you need that in a policy to tell you that? If you wish you certainly can have that in there. But if you're saying the grievance policy is something contrary than what the Attorney General's office is then that's our grievance policy. I recommend that you follow what they put out there right now. And we can look at over this next week and I'll make sure I get that out to you so you can see it if you want to have it in there. That's the current policy whether we enact it as an ordinance or not. Home Rule Authority doesn't permit you to enact ordinances as a municipality that would be contrary to a law that's required to be enforced throughout the state. We wouldn't be able to pass an ordinance that would be contrary to the Public Records Act. So if we pass a grievance policy that is more limited than the Attorney General's policy by default the Attorney General's policy would be our policy. We would be required to follow the more stringent one. So we'll take a look at that over the next week. If you want a grievance policy in there I'll show what the current one the suggested one that you should have. So that's all I've got. Thanks.

COUNCIL PRESIDENT PETERS: Thank you. Director of Finance?

DIRECTOR ALGER: Two more days for taxes. I just want to point that out. We have processed 3,376 returns and that's down by about \$369,000 from last year however our revenue is up about \$98,000. Also we have been notified by the third party utility billing company that United States Postal Services are no longer delivering mail on a next day basis as they have in the past. This may result in customers calling you and stating that they're getting their bills a little bit later. Of course that also means if you're sending your tax form through mail that may leave another day postponed. And I do just want to say that I appreciate the law director reviewing any of our public records for consistencies and so that I and none of my staff gets in trouble. So that's just my thoughts.

COUNCIL PRESIDENT PETERS: Thank you. Director of Administration?

DIRECTOR GRIMES: Yeah, the mayor was gracious enough tonight to let me go and stand in for him the Ohio BWC and our Stark County Safety Counsel did recognize the City of North Canton. We reduced our reportable injuries over 25% last year. And so I was able to go there Lieutenant Governor Mary Taylor was the speaker and Judge Werren was there and you know cause we were wondering who was going to watch while we were there. But it was a very nice affair and we have worked at that and we're going to continue to work at that. In fact Fire Captain Rich Rhodes has graciously accepted the an add-on rule of also being our safety officer and making sure that we continue that road of safety. So I can't think of a better person than him to do that. Not only is he knowledgeable but he can work and drive and run everything that we have in the city. So I think he's a good person for that. And also on the negotiations with the patrolmen and the dispatchers and the supervisors that

went pretty long there was some give and take in it but they are professional some things they don't like, we don't like but it never interferes with the way they treat us or their job out there. They still give the same great service and they should be commended for that acting as professionals. Thank you.

COUNCIL PRESIDENT PETERS: Thank you. Mr. Mayor?

MAYOR HELD: Yes, what we're going to do is have the State of the City as Councilman Cerreta had mentioned that will be April 20th on Monday at 6:00pm. And what we decided to do is to have it over at the Hoover District in the offices of the Bureau of Workers Compensation. And I think that would be a great place to serve two purposes: number 1, show share the information that we have as far as where the city is at where we've been where we're at now and where we're going. And think the Bureau of Workers Compensation the building the offices that's a fine example because you know as little as two years ago that was a vacant commercial area and they've converted it into office space just as the Timken Company has, just as the Shryer Group has and so what we'll be able to do is hear the State of the Schools which will go first and then we'll have the State of the City. It's going to be sponsored by the North Canton Chamber of Commerce. And then after that we'll have IRG they will be there Stu Lichter will be there and he's going to be able to share the status of the Hoover District what they're doing with the residential end, what they're going to be doing with the retail end. And hopefully all of you will be able to see first-hand with different pictures and renderings that they have what you can expect in the rest of this year. We're also going to try to arrange to have everyone that's in attendance by the way everyone is welcome to attend. You know you just show up and we'll be able to join us at 6:00pm. But the other the other thing that we're hoping to do is trying to arrange this is so that you can see where the commercial end is at right now or where the old industrial space is at right because we still have thousands of square feet that can be converted over. So you're all welcome to attend and if you certainly have any questions on the whole State of the City you can call our office here at city hall. That's all I have. Thank you, Mike for the award, for attending and also achieving it. That's really a great thing that we're keeping our employees safe. Thank you.

COUNCIL PRESIDENT PETERS: Mr. Engineer?

ENGINEER BENEKOS: Yes, the 2014 Paving Project the contractor we'll get to 2015 the contractor has started they're repairing the concrete, the curbs and so forth when they get done with the catch basins, the curbs then they'll start the asphalt work. 2015 program we opened up bids on Friday. Bids came in we were just a little bit over the budget that we have so if you want to complete all the streets we're submitting legislation to increase the allocation for that. That will be coming to you at the next committee meeting. So we're preparing it for that. Other than that that's all I have.

COUNCIL PRESIDENT PETERS: Madame Clerk?

COUNCIL CLERK BAILEY: I actually have nothing to report.

25. Final Call for New Business:

26. Adjourn:

COUNCIL PRESIDENT PETERS: Okay, final call to council for new business. Financial disclosures due two days from now.

COUNCILMAN FOLTZ: So no meeting next week?

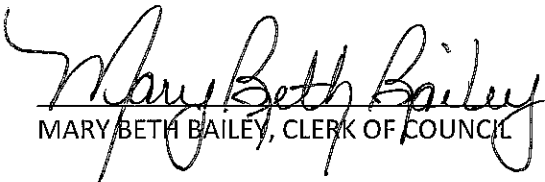
COUNCIL PRESIDENT PETERS: No meeting next week. State of the City 6:00pm. Alright, I'll entertain a motion to adjourn?

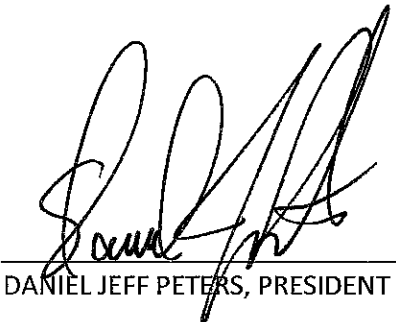
COUNCILMAN FOLTZ: Motion to adjourn.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT